

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

JOSHUA PAUL HILTON HOLD,

Plaintiff,

v.

JOHN DOES and JANE DOES,

Defendants.

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Civil Action No. **3:18-CV-399-L-BH**

ORDER

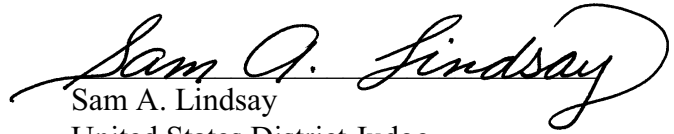
The case was referred to United States Magistrate Judge Irma Carrillo Ramirez, who entered the Findings, Conclusions and Recommendation of the United States Magistrate Judge (“Report”) on March 26, 2018, recommending that the court dismiss with prejudice this action as frivolous under 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b). The magistrate judge further recommended that the dismissal of this case count as a “strike” or “prior occasion” within the meaning of 28 U.S.C. § 1915(g). No objections to the Report were filed.

After reviewing the pleadings, file, record in this case, and Report, the court determines that the findings and conclusions of the magistrate judge are correct, **accepts** them as those of the court, and **dismisses with prejudice** this action as frivolous pursuant to 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b). Further, the dismissal of this case shall count as a “strike” or “prior occasion” within the meaning of 28 U.S.C. § 1915(g).

The court prospectively **certifies** that any appeal of this action would not be taken in good faith. *See* 28 U.S.C. § 1915(a)(3); Fed. R. App. P. 24(a)(3). In support of this certification, the court **accepts and incorporates** by reference the Report. *See Baugh v. Taylor*, 117 F.3d 197, 202 and

n.21 (5th Cir. 1997). Based on the Report, the court finds that any appeal of this action would present no legal point of arguable merit and would, therefore, be frivolous. *See Howard v. King*, 707 F.2d 215, 220 (5th Cir. 1983). In the event of an appeal, Plaintiff may challenge this certification by filing a separate motion to proceed *in forma pauperis* on appeal with the clerk of the United States Court of Appeals for the Fifth Circuit. *See Baugh*, 117 F.3d at 202; Fed. R. App. P. 24(a)(5).

It is so ordered this 6th day of July, 2018.


Sam A. Lindsay
United States District Judge